

LYONS & FLOOD, LLP  
Attorneys for Plaintiff  
ERGO SHIPPING SA  
65 West 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10018  
(212) 594-2400

07 CV 7478

JUDGE PRESKA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ERGO SHIPPING SA,

ECF CASE

Plaintiff,

- against -

07 Civ.

HORUS SHIPPING & TRANSPORT S.A.E.,

Defendant.

-----X

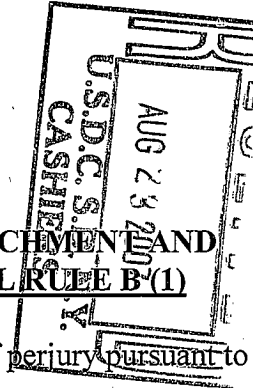
**AFFIRMATION IN SUPPORT OF MARITIME ATTACHMENT AND  
GARNISHMENT PURSUANT TO SUPPLEMENTAL RULE B(1)**

JON WERNER, hereby affirms and states under penalty of perjury pursuant to 28

U.S.C. § 1746:

1. I am a member of the bar of this Court and an attorney with the law firm of Lyons & Flood, LLP, attorneys for Plaintiff, ERGO SHIPPING SA ("ERGO"). I submit this Affirmation in support of Plaintiff's application for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rules B and E of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

2. Your affiant has attempted to locate the defendant HORUS SHIPPING & TRANSPORT S.A.E., ("HORUS") within this District. As part of the investigation, my office has contacted the Division of Corporations of the New York Department of State



and found no records indicating that defendant was either incorporated or licensed to do business in the State of New York.

3. There are also no relevant telephone listings for HORUS in the New York telephone information service, or in the New York Telephone Directory or other directories for the area codes within this District.

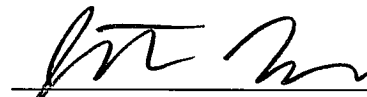
4. Plaintiff respectfully asserts that the defendant cannot be found in this District within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims.

5. Upon information and belief, HORUS has tangible or intangible personal property including goods, chattels or credits and effects within the District in the hands of, among others, the banks and garnishees identified in Attachment A.

6. It is respectfully requested that Process of Maritime Attachment and Garnishment requested in the accompanying Verified Complaint be issued herein, attaching the defendant's account(s) within the District in the amount of \$73,800.00, as provided by the Federal Rules of Civil Procedure.

I declare and state under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 23, 2007

  
Jon Werner

U:\kmhldocs\2602003\Pleadings\Affirmation in Support.doc

ATTACHMENT "A"

Citibank  
399 Park Avenue  
New York, NY 10022

Bank of America  
c/o Zeichner, Ellman & Krause LLP  
575 Lexington Avenue  
New York, NY 10002

Bank of New York  
1 Wall Street  
New York, NY 10286

JP Morgan Chase Bank  
One Chase Manhattan Plaza  
New York, NY

HSBC (USA)  
120 Broadway  
New York, NY

Wachovia Bank  
360 Madison Avenue  
New York, NY 10017

Barclay's Bank  
200 Park Avenue  
New York, NY 10166

Standard Chartered Bank  
1 Madison Avenue  
New York, NY 10010

Deutsche Bank  
60 Wall Street  
New York, NY 10006

Fortis  
520 Madison Avenue  
New York, NY 10022

UBS  
299 Park Avenue  
New York, NY 10171

LYONS & FLOOD, LLP  
Attorneys for Plaintiff  
ERGO SHIPPING SA  
65 West 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10018  
(212) 594-2400

07 CV 7478

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE PRESKA

-----X  
ERGO SHIPPING SA,

Plaintiff,

- against -

HORUS SHIPPING & TRANSPORT S.A.E.,

Defendant.  
-----X

ECF CASE

07 Civ.

**AFFIRMATION IN  
SUPPORT OF MOTION  
FOR APPOINTING  
PERSON TO  
SERVE PROCESS**

JON WERNER, hereby affirms and states under penalty of perjury pursuant to 28 USC §  
1746:-

1. I am a member of the bar of this Court and an attorney with the law firm of Lyons & Flood, LLP, attorneys for plaintiff, ERGO SHIPPING SA, ("ERGO"). I submit this Affirmation in support of Plaintiff's *ex parte* Motion for Order Appointing Person to Serve Process.

2. The proposed Order accompanying this Affirmation would appoint Gotham Process Services, 299 Broadway, New York, New York 10007 or its designate to serve the Verified Complaint, Summons, Process of Attachment and Garnishment and other process, under Rule B (1) (d) (ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

3. Our firm has used employees of Gotham Process Services in the past for the same or similar service tasks and believe this appointment would expedite the service of process in this action.

4. Therefore, I respectfully request the Court enter the accompanying Order

Appointing Person to Serve Process so that Process of Maritime Attachment and Garnishment may be served.

I declare and state under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 23, 2007.

LYONS & FLOOD, LLP  
Attorneys for Plaintiff  
ERGO SHIPPING SA

By: 

Jon Werner (JW-5000)  
65 West 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10018  
(212) 594-2400

U:\kmhldocs\2602003\Pleadings\Affidavit in Support of Motion to Appointing Person to Serve Process.doc